

No. 22-13626

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**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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ANNA LANGE,  
*Plaintiff-Appellee,*

v.

HOUSTON COUNTY, GEORGIA, and  
HOUSTON COUNTY SHERIFF CULLEN TALTON, in his official capacity,  
*Defendants-Appellants.*

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◆

On Appeal from the United States District Court  
for the Middle District of Georgia  
Case No. 5:19-cv-00392-MTT

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**MOTION OF THE STATE OF ALABAMA AS AMICUS CURIAE TO  
PARTICIPATE IN EN BANC ORAL ARGUMENT**

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*Attorney General*  
Edmund G. LaCour Jr.  
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State of Alabama*

DECEMBER 31, 2024

## **CERTIFICATE OF INTERESTED PERSONS**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1-1(a)(3) and 26.1-2(b), the undersigned counsel certifies that the following listed persons and parties may have an interest in the outcome of this case:

1. ACLU Foundation of Florida – Amicus Curiae;
2. Advocates for Trans Equality Education Fund – Counsel for Appellee;
3. AFL-CIO – Amicus Curiae;
4. Alabama, State of – Amicus Curiae;
5. Alaska, State of – Amicus Curiae;
6. Allen & Overy LLP – Counsel for Amicus Curiae;
7. American Civil Liberties Union Foundation – Amicus Curiae;
8. Anti-Defamation League – Amicus Curiae;
9. Arkansas, State of – Amicus Curiae;
10. Arkles, Z. Gabriel – Counsel for Appellee;
11. Association of American Physicians and Surgeons – Amicus Curiae;
12. Bailey, Andrew – Counsel for Amicus Curiae;
13. Baldwin, Anna Marks – Counsel for the Amicus Curiae;
14. Barceleau, Dominic – Amicus Curiae;
15. Barry, Kevin M. – Counsel for Appellee;
16. Barton, Kenneth E. III – Counsel for Appellee;

17. Bingham, Joseph A. – Counsel for Amicus Curiae;
18. Bird, Brenna – Counsel for Amicus Curiae;
19. Block, Joshua A. – Counsel for Amicus Curiae;
20. Bone, Michelle – Counsel for Amicus Curiae;
21. Bowdre, Alexander Barrett – Counsel for Amicus Curiae;
22. Brown, David – Counsel for Appellee;
23. Burleigh, Billy – Amicus Curiae;
24. Burroughs, Gaylynn – Counsel for Amicus Curiae;
25. Calderon, Tovah R. – Counsel for Amicus Curiae;
26. Campbell, Jordan – Counsel for Amicus Curiae;
27. Campbell Miller Payne, PLLC – Counsel for Amicus Curiae;
28. Carr, Christopher M. – Counsel for Amicus Curiae;
29. Christian Employers Alliance – Amicus Curiae;
30. Cincinnati, City of – Amicus Curiae;
31. Clarke, Kristen – Counsel for Amicus Curiae;
32. Cleveland, City of – Amicus Curiae;
33. Coglianese, Rich – Counsel for Amicus Curiae;
34. Columbus, City of – Amicus Curiae;
35. Cooper, Barton & Cooper – Counsel for Appellee;
36. Cooper, M. Devlin – Counsel for Appellee;

37. Cukor, Ezra Ungrich – Counsel for Appellee;
38. Cuyahoga, County of – Amicus Curiae;
39. Deveney, William D. – Counsel for Appellants;
40. Divine, Joshua M. – Counsel for Amicus Curiae;
41. Duncan, KathyGrace – Amicus Curiae;
42. Elarbee, Thompson, Sapp & Wilson LLP – Counsel for Appellants;
43. Emch, Dale R. – Counsel for Amicus Curiae;
44. Equal Rights Advocates – Amicus Curiae;
45. Ethics and Public Policy Center – Amicus Curiae;
46. Fata, Catherine Elizabeth – Counsel for Appellee;
47. Fitch, Lynn – Counsel for Amicus Curiae;
48. Florida, State of – Amicus Curiae;
49. Gee, Seran – Counsel for Appellee;
50. Georgia, State of – Amicus Curiae;
51. Gignilliat, R. Read – Counsel for Appellants;
52. Goers, Eric – Counsel for Amicus Curiae;
53. Grant, Jill K. – Counsel for Appellee;
54. Greenbaum, Jon – Counsel for Amicus Curiae;
55. Griffin, Mark – Counsel for Amicus Curiae;
56. Griffin, Tim – Counsel for Amicus Curiae;

57. Hasson, Mary Rice – Counsel for Amicus Curiae;
58. Hecker, Elizabeth – Counsel for the Amicus Curiae;
59. Hilgers, Michael T. – Counsel for Amicus Curiae;
60. Houston County, Georgia – Defendant-Appellant;
61. Idaho, State of – Amicus Curiae;
62. Indiana, State of – Amicus Curiae;
63. Iowa City – Amicus Curiae;
64. Iowa, State of – Amicus Curiae;
65. Jackley, Marty – Counsel for Amicus Curiae;
66. Kansas, State of – Amicus Curiae;
67. Kieckhafer, Katherine – Counsel for Amicus Curiae;
68. Kniffen, Eric Nieuwenhuis – Counsel for Amicus Curiae;
69. Knudsen, Austin – Counsel for Amicus Curiae;
70. Kobach, Kris W. – Counsel for Amicus Curiae;
71. Labrador, Raúl – Counsel for Amicus Curiae;
72. LaCour, Edmund G. Jr. – Counsel for Amicus Curiae;
73. Lail, Patrick L. – Counsel for Appellants;
74. Lange, Anna – Plaintiff-Appellee;
75. Latino Justice PRLDEF – Amicus Curiae;
76. Lawyers’ Committee for Civil Rights Under Law – Amicus Curiae;

77. Lee, Jason – Counsel for Amicus Curiae;
78. Louisiana, State of – Amicus Curiae;
79. Manoloff, Richard – Counsel for Amicus Curiae;
80. Marino, Anya – Counsel for Amicus Curiae;
81. Marshall, Steve – Counsel for Amicus Curiae;
82. McNamara, Caroline A. – Counsel for Amicus Curiae;
83. Medley, Shayna – Counsel for Appellee;
84. Miller, Ronald – Counsel for Amicus Curiae;
85. Mills, Christopher – Counsel for Amicus Curiae;
86. Mississippi, State of – Amicus Curiae;
87. Missouri, State of – Amicus Curiae;
88. Mitrokostas, Nicholas K. – Counsel for Amicus Curiae;
89. Miyares, Jason S. – Counsel for Amicus Curiae;
90. Montana, State of – Amicus Curiae;
91. Moody, Ashley – Counsel for Amicus Curiae;
92. Morenoff, Daniel I. – Counsel for Amicus Curiae;
93. Morgan, Sharon P. – Counsel for Appellants;
94. Morrisey, Patrick – Counsel for Amicus Curiae;
95. Murrill, Liz – Counsel for Amicus Curiae;
96. National Employment Law Project – Amicus Curiae;

97. National Health Law Program – Amicus Curiae;
98. National Women’s Law Center – Amicus Curiae;
99. Nebraska, State of – Amicus Curiae;
100. North Dakota, State of – Amicus Curiae;
101. Ohio, State of – Amicus Curiae;
102. Paxton, Ken – Counsel for Amicus Curiae;
103. Payne, Amanda M. – Counsel for Appellee;
104. Payne, Joshua K. – Counsel for Amicus Curiae;
105. Petrany, Stephen J. – Counsel for Amicus Curiae;
106. Powell, Wesley – Counsel for Appellee;
107. Pride at Work, AFL-CIO – Amicus Curiae;
108. Public Rights Project – Amicus Curiae;
109. Quinnipiac Univ. School of Law Legal Clinic – Counsel for Appellee;
110. Reyes, Sean D. – Counsel for Amicus Curiae;
111. Rodriguez, Dariely – Counsel for Amicus Curiae;
112. Rokita, Theodore E. – Counsel for Amicus Curiae;
113. Rosenthal, Joshua A. – Counsel for Amicus Curiae;
114. Schlafly, Andrew L. – Counsel for Amicus Curiae;
115. Sepulveda, Daniel – Counsel for Amicus Curiae;
116. Skrmetti, Jonathan – Counsel for Amicus Curiae;

117. Smart Woerner, Emily – Counsel for Amicus Curiae;
118. Smith, Jane – Amicus Curiae;
119. Smith, Rachel – Counsel for Amicus Curiae;
120. Spero Law LLC – Counsel for Amicus Curiae;
121. South Carolina, State of – Amicus Curiae;
122. South Dakota, State of – Amicus Curiae;
123. Talton, Cullen in his official capacity as Sheriff – Defendant-Appellant  
(deceased);
124. Taylor, Treg – Counsel for Amicus Curiae;
125. Tennessee, State of – Amicus Curiae;
126. Texas, State of – Amicus Curiae;
127. The American Civil Rights Project – Amicus Curiae;
128. The Equal Voting Rights Institute d/b/a The American Civil Rights Project  
– Amicus Curiae;
129. Theran, Elizabeth E. – Counsel for Amicus Curiae;
130. Tilley, Daniel B. – Counsel for Amicus Curiae;
131. Toledo, City of – Amicus Curiae;
132. Transgender Legal Defense Education Fund – Counsel for Appellee;
133. Treadwell, Hon. Marc T. – District Court Judge;
134. U.S. Department of Justice – Counsel for Amicus Curiae;



- 135. Utah, State of – Amicus Curiae;
- 136. Virginia, Commonwealth of – Amicus Curiae;
- 137. West Virginia, State of – Amicus Curiae;
- 138. Whitaker, Henry C. – Counsel for Amicus Curiae;
- 139. Wilkie Farr & Gallagher LLP – Counsel for Appellee;
- 140. Wilson, Alan – Counsel for Amicus Curiae;
- 141. Wrigley, Drew H. – Counsel for Amicus Curiae;
- 142. Yost, Dave – Counsel for Amicus Curiae;
- 143. Youker, Kathryn J. – Counsel for Amicus Curiae;

Respectfully submitted this 31st day of December, 2024.

s/ Edmund G. LaCour Jr.  
Edmund G. LaCour Jr.  
*Counsel for Amicus Curiae State of Alabama*

**MOTION OF AMICUS CURIAE STATE OF ALABAMA TO  
PARTICIPATE IN EN BANC ORAL ARGUMENT**

Pursuant to Federal Rule of Appellate Procedure 29(a)(8), the State of Alabama respectfully requests permission to participate in oral argument before the en banc Court in this appeal. Oral argument is set for 9:00 a.m. on Tuesday, February 4, 2025. *See* CA11 Doc. 152-2.

As an amicus curiae, Alabama urged the Court to rehear this appeal en banc. *See* CA11 Doc. 93, Br. of Alabama, Florida, Georgia, and 20 Other States as *Amici Curiae* in Support of Appellants’ Petition for Rehearing En Banc. And when the Court ordered en banc rehearing, Alabama wrote again to urge the Court to reverse. *See* CA11 Doc. 113, Br. of Alabama, Florida, and Georgia as *Amici Curiae* in Support of Appellants and Reversal.

Alabama did so because this case is extremely important to it and the other States in the Eleventh Circuit. As employers, the States are subject to Title VII, as are countless businesses within each State. *See* 42 U.S.C. § 2000e(a), (b). The issue in this case is whether an employer-provided health insurance policy that covers medically necessary treatments for some diagnoses but does not cover “sex change” surgeries facially violates Title VII. Answering that question will not only impact Alabama’s (and other States’) Title VII liabilities but may have ramifications for what qualifies as sex-based discrimination in other areas as well. Since the Supreme Court’s decision in *Bostock v. Clayton County*, 590 U.S. 644 (2020), Alabama—

often before this Court—has confronted similar questions in a variety of areas, from health insurance to school sports to pediatric healthcare. *E.g.*, *Alabama v. U.S. Sec’y of Educ.*, No. 24-12444, 2024 WL 3981994, at \*1 (11th Cir. Aug. 22, 2024) (granting injunction pending appeal in Alabama’s challenge to Department of Education rule expanding definition of sex-based discrimination in Title IX to include discrimination based on gender identity); *Eknes-Tucker v. Governor of Alabama*, 80 F.4th 1205, 1210 (11th Cir. 2023) (vacating preliminary injunction of Alabama’s law prohibiting medically transitioning minors where plaintiffs argued that the law constitutes sex-based discrimination under the Equal Protection Clause). Alabama has a substantial interest in the resolution of this appeal and believes that its participation will be helpful to the Court.

Defendants-Appellants have agreed to divide five minutes of their argument time with Alabama. *See* Oral Argument Order, *Adams v. Sch. Bd. of St. Johns Cnty.*, No. 18-13592 (11th Cir. Jan. 18, 2022) (permitting the United States as amicus curiae to divide time with the plaintiff at en banc oral argument). Should the Court prefer that Defendants-Appellants reserve their full twenty minutes of argument time, Alabama alternatively requests that the Court allot it ten minutes of its own argument time, while also providing Plaintiff-Appellee additional time. *See* Oral Argument Order, *Health Freedom Def. Fund v. Sec’y of Health and Hum. Servs.*, No. 22-11287 (11th Cir. Nov. 18, 2022) (enlarging argument time and permitting

Florida, as amicus curiae, to participate). Counsel for Alabama emailed counsel for Plaintiff-Appellee yesterday to ascertain their position on this motion, but as of filing, have not received a response.

For these reasons, the State of Alabama respectfully requests leave to participate in oral argument.

Respectfully submitted,

Steve Marshall  
*Attorney General*

s/ Edmund G. LaCour Jr.

Edmund G. LaCour Jr.

*Solicitor General*

A. Barrett Bowdre

*Principal Deputy Solicitor General*

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*Counsel for Amicus Curiae*

*State of Alabama*

DECEMBER 31, 2024

## CERTIFICATE OF COMPLIANCE

1. I certify that this motion complies with the type-volume limitations set forth in Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 532 words, including all headings, footnotes, and quotations, and excluding the parts of the brief exempted under Rule 32(f).

2. In addition, this motion complies with the typeface and type style requirements of Federal Rule of Appellate Procedure 32(a)(5) and (6) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in 14-point Times New Roman font.

s/ Edmund G. LaCour Jr.  
Edmund G. LaCour Jr.  
*Counsel for Amicus Curiae*  
*State of Alabama*

### **CERTIFICATE OF SERVICE**

I certify that on December 31, 2024, I electronically filed this document using the Court's CM/ECF system, which will serve counsel of record.

s/ Edmund G. LaCour Jr.  
Edmund G. LaCour Jr.  
*Counsel for Amicus Curiae*  
*State of Alabama*